

**REMARKS**

This Response is in reply to the Office Action rejection mailed on January 17, 2007.

Claims 21 – 40 are pending in the application, with each of the claims being rejected.

The application is directed to a device to train emergency personnel to remain in a low position in certain situations. For example, when a room in a structure is on fire, smoke and heat rise to the top of the room. As the fire burns, the heat and smoke accumulate, filling the upper portion of the room. The only safe zone for the firefighters is the area low to the floor. The firefighters are taught to enter and move through the room while in a low position so that their head and upper body do not enter the heat and smoke. If they do not remain low, the firefighters could be seriously injured. Therefore, adequate training is critical to performing their job and their safety. The device accomplishes this by positioning a rotating light source within a room or area and quickly rotating a beam of light so that it forms an essentially continuous vertical boundary within the room. The area below the boundary is the safety zone within which the trainee must remain. The trainee is equipped with sensors positioned on clothing or equipment. If the trainee moves such that a sensor breaks the vertical boundary, then an alarm is triggered.

Claims 21, 22, 25 – 27, 29 – 32, and 34 – 40 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,934,937 (hereinafter Judd). Judd discloses a device to train soldiers in the use of firearms under simulated combat conditions. The device projects a light beam from the proximity of a target toward an area in which a soldier may be located. The light source is mounted on a structure that pivots so that the light source can scan the general area in which the soldier is located. The pivoting action can be turned off when not required. The soldier wears a harness containing at least one sensor that senses when the light beam is in close proximity to the sensor or hits the sensor directly. The soldier is then trained to move into position to shoot at the target without coming in close proximity to the light beam. Thus, the

soldier could momentarily stand upright and shoot the target, then return to a low position before the light beam scanned to his position.

Claim 21 has been amended to now include that the emitter is rotatable through 360° of rotation. This feature allows the device to establish an essentially continuous vertical boundary within the room or area in which it is used. Judd teaches that the light source can only scan a general area in the forward direction from the light source. As shown in Figure 2, Judd teaches a device that rotates the light source through an arc of less than 360°. The rotational portion of the device (reference numbers 35, 37, and 38) allow the light source to oscillate, but not to fully rotate. There is no teaching in Judd that the light source has the ability to rotate through a full 360° of rotation. Judd also teaches that both the light source and the scanning feature can be operated intermittently (Col. 3, line 65). Therefore, Judd does not teach a device to form a continuous vertical boundary.

Further, Judd teaches a target (in the form of a mannequin as shown as reference number 20 in Figure 1) in close proximity to the light source. If the light source in Judd were to rotate 360°, then the light beam would be obstructed as it passed by the target. This would create a shielded area extending outward from the target, allowing a person to stand upright in this area without triggering an alarm. The device of the present application is intended to form an essentially continuous vertical boundary throughout the area in which it is used. Therefore, Judd does not teach a device capable of forming an essentially continuous vertical boundary.

Therefore, Judd does not disclose an emitter that is capable of rotating through 360° and claim 21 and dependent claims 22 and 25 – 27 are not anticipated for at least these reasons.

Claim 29 has been amended to now include that the emitter is adapted to turn 360° about an axis. This feature allows the device to establish an essentially continuous vertical boundary within the room or area in which it is used. Judd does not disclose this feature and claim 29 and dependent claims 30 – 32 and 34 are not anticipated for at least these reasons.

Claim 35 has been amended to now include the step of rotating the emitter through 360°. As previously explained, Judd does not disclose the step of rotating an emitter through 360° and claim 35 and dependent claims 36 – 40 are not anticipated for at least these reasons.

Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Judd in view of U.S. Patent 5,788,500. Dependent claim 23 is patentable for at least the same reasons stated above for independent claim 21.

Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Judd in view of U.S. Patent 6,579,097. Dependent claim 24 is patentable for at least the same reasons stated above for independent claim 21.

Claim 28 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Judd in view of U.S. Patent 5,599,187. Dependent claim 28 is patentable for at least the same reasons stated above for independent claim 21, and dependent claim 33 is patentable for at least the same reasons stated above for independent claim 29.

In view of the above amendments and remarks, the Applicants' submit that the present application is in condition for allowance and such action is respectfully requested. If any issues remain unresolved, the Applicant's attorney requests a telephone interview to expedite allowance and issuance.

Respectfully submitted,

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